

Utah Antidiscrimination and Labor Advisory Council  
Meeting Minutes  
November 12, 2009  
12:00 pm to 1:30 pm  
Room 319

In attendance:

Sherrie Hayashi, Commissioner  
Heather Morrison, UALD Division Director  
Ralph Chamness, General Public Representative  
Robert Wilde, Employee Representative  
Rick Thaler, General Public Representative  
Tony Montano, Employee Representative  
Keith Nielson, Landlord Representative  
Brent Asay, Wage Claim Unit Manager  
Alan Hennebold, General Counsel/ Deputy Commissioner  
Hap Stephens, ADR Coordinator  
Linda Oda, Community & Culture Liaison

Not in attendance:

Marty Blaustein, Tenant Representative  
John Salazar Sr., Employee Representative  
Lisa Fine, Tenant Representative  
Bev Uipi, General Public Representative  
Antonella Packard, General Public Representative  
John Chindlund, Employer Representative  
Paul Smith, Landlord Representative  
Monica Whalen, Employer Representative  
Sara Danielson, Council Secretary  
Monica Austen-Smith, Employment Discrimination Case Manager

Commissioner Sherrie Hayashi called the council meeting to order at 12:00 pm. She indicated that a quorum was not present.

Discussion Issues:

**Proposed Legislation change to UCA §34-28-3 – Specifying that employers may not deduct the cost of uniforms – Proposed New Rule – R610-3-21 – defining “Uniform” –**

Brent Asay reviewed the history of the need for these changes. Discussion was held. A concern was raised about statutory authority to set a cap on the amount required for a deposit. Alan Hennebold explained that the authority given to set rules, gives the authority to set the cap. Before the Commission goes forward, the Commission will contact Monica Whalen and the food industry to make sure that they are fine with the language.

Ralph Chamness moved that the Commission move forward with the rule and statutory language changes. Bob Wilde seconded. The vote of those present was to move forward.

### **Proposed New Rule – R610-3-22 payment of wages via pay cards –**

Brent Asay reviewed the history of the issue of pay cards. Comments had been received on the previous rule making process relating to the issue of the number of times to use a pay card without a fee. The current version contains the change to a one time use of the pay card without a fee.

Rick Thaler raised the question of ‘and shall remain for six months’ statement in section B of the rule. Does this statement mean that after six months the money is removed from the pay card? Discussion was held. Sherrie recommended that the question be raised to those who submitted comments “if we remove this statement” does it cause grief. This will be clarified. Open Meeting is scheduled for 12-9-09, so we need to move forward.

**Review of New Rules for Appealing Division Determinations.** Richard La Jeunesse stated that overall the comments about these new rules have been positive. Rick Thaler brought up the problem of truncated discovery schedules and conflicts with the ethical rules. He stated that motion to compel timeframes don’t fit well within the truncated discovery schedule. Richard explained that motion to compel can be filed on the last day of discovery. The issue of getting extensions was also raised. Richard explained that the scheduling clerk has guideline to follow and any requests outside guidelines are to be presented to judges for approval. The intent of these rules was to move the cases along – not have them drag out forever. Richard stated that he will speak with ALJ’s about strictness with deadlines

**Division Update -** Heather presented the statistics of the Division. She pointed out that disability in housing is the main filing reason for housing discrimination. There has been a slight increase in Employment cases filed. Employment discrimination cases are being closed quicker. The Division has four employment investigators. There has been a dramatic 40% increase in wage claims filed. It takes approximately one year to close a wage case.

Heather reviewed the HUD and EEOC contracts. The HUD payments are based on last year’s closures; and the division receives \$2,400 per case closed. EEOC has set the new case closure number at 582; and we currently receive \$550 per case closed. There are preliminary rumors of budget cuts, however if no budget cuts, the division budget will go up.

**2010 Meeting Schedule**

Sherrie requested that the Council place the coming years meetings on their calendars; Feb. 11, May 13, Aug 12 and Nov 4, 2010.

Sherrie informed those present of the Labor Commission's new email notification system on the web site. She stated that the members could sign up for notification of meetings, publications, jobs.

Sherrie state that the next meeting will be on February 11, 2010 at 11:30 am.

Sherrie adjourned the meeting at 1:00 pm.